

EXHIBIT “C”

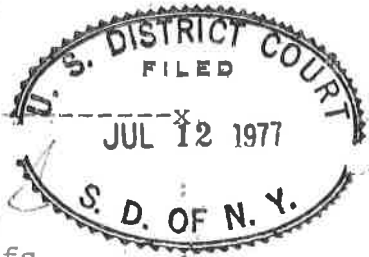
73 CIV. 4279

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CLOSED CASE
JUDGE <u>LASKER</u>
DATE <u>5-4-77</u>
S. D. OF N. Y.

ARE-CC NR
000-12-0389
P.O. 1-37-1-3
BX 39-6

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



ALBERT E. PERCY, et al.,

Plaintiffs,

vs.

: 73 Civ 4279

PETER J. BRENNAN, Secretary of Labor, et al.,:

Defendants. :

-----x

May 9, 1977
10:00 a.m.

B E F O R E :

HON. MORRIS E. LASKER,

District Judge

A P P E A R A N C E S :

FRENCH, FINK, MARKLE & MC CALLION, ESQS.,
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ROBERT J. FINK, ESQ.

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2 World Trade Center

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BEVERLY GROSS, ESQ.,

Assistant Corporation Counsel

1 EW

2 A P P E A R A N C E S : (cont'd)

3 ROBERT B. FISKE, JR., ESQ.,
4 United States Attorney for the
5 Southern District of New York
6 One St. Andrew's Plaza
7 New York, New York
8 DENNISON YOUNG, ESQ.
9 PATRICK H. BARTH, ESQ.,
10 Assistant United States Attorneys

11
12 ISABELLE KATZ PINZLER, ESQ.,
13 National Employment Law Project, Inc.,
14 423 West 118th Street
15 New York, New York
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18

19 THE COURT: There has been a discussion
20 among all parties here this morning as to whether, first,
21 there was a legal basis for honoring the request specified
22 in the State's letter of April 7, 1977 that the Court
23 "approved the proposed regulations and dismissed this
24 action as against the State defendants," and whether
25 there would be any legal basis for doing so.

Counsel for the Plaintiffs and others
have pointed out that the Court has extended jurisdiction
of this matter in the past against the possibility that
the State might propose regulations which would be clearly
at odds with the objectives of the litigation, and that
the State and the private defendants might have worked
together to achieve a "voluntary" plan; in which case,
the Plaintiffs here would not have been represented in

1 EW 3

2 that process and wished to be protected by being able to
3 refer the matter to the Court.

4 In fact, such a voluntary process has not
5 occurred, as I understand it; is that correct?

6 MR. COLLERAN: That's correct.

7 THE COURT: And the regulations which have
8 now been developed by the State have been developed by
9 them alone.

10 Plaintiff's Counsel has also indicated
11 that at least the preservation of the proposed regulations
12 do not prompt the same anxieties on the part of the
13 Plaintiffs as they believed might have been the case at
14 an earlier time.

15 Under the circumstances of the fact
16 that some of the hypothetical underpinnings of the
17 extensions of jurisdiction in the past no longer seem to
18 exist, this case is four years old, that the major
19 propositions which it was intended to present to the
20 Court have long since been disposed of, and in light of
21 the fact that orders have been issued which, in the
22 opinion of the Court, have lasting force and which,
23 insofar as I know, may be enforced by further return to
24 the Court if the orders are violated, it is believed
25 there is no reason to continue the existence of the case.

EW

It's in the best interests of justice to dismiss without prejudice such elements of the case as have not been disposed of otherwise to date.

MR. YOUNG: Your Honor, that includes, of course, the Federal defendants, I assume?

MS. PINZLER: I would assume so.

THE COURT: Yes..

I (We) hereby certify that the foregoing is a true and accurate transcript, to the best of my (our) skill and ability, from my (our) stenographic notes of this proceeding.

Elizabeth Whittel

Official Court Reporter
U. S. District Court



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ALBERT E. PERCY, ET AL.

vs.

SEC. LABOR, ET AL.
-----X

73 Civ. 4279-ASCOM
(MEL)

MINUTE ENTRY PURSUANT TO
MEMORANDUM FROM THE
ADMINISTRATIVE OFFICE OF
THE U. S. COURTS, DATED
JUNE 15, 1973

This case having been pending for over three years, all presently contemplated proceedings having been completed, and there having been no action herein for over 12 months, there appears to be no further reason at this time to maintain the file as an open one for statistical purposes, and the Clerk is instructed to submit a JS-6 form to the Administrative Office.

Nothing contained in this minute entry shall be considered a dismissal or disposition of this matter, and, should further proceedings in it become necessary or desirable, any party may initiate it in the same manner as if this minute entry had not been entered.

So Ordered.

Dated: New York, New York

4 - MAY 1977

S/ David N. Edelstein

Chief Judge

U. S. D. J.

Original filed in CIV 140-323